

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANIEL BRUNO, :
Plaintiff, : 07 CIV 7503 (VM)
:
-against- :
:
:
METROPOLITAN TRANSPORTATION :
AUTHORITY, :
Defendant. :
:
-----X

NOTICE OF MOTION

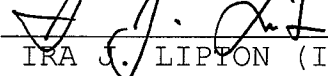
PLEASE TAKE NOTICE that, upon the annexed Declaration of Ira J. Lipton, dated October 22, 2007, and the exhibit annexed thereto, the Declaration of Elaine Barraga, Esq. dated October 22, 2007, and the exhibits annexed thereto, and Defendant's Memorandum of Law, dated October 22, 2007, and upon all papers and pleadings heretofore had, Defendant Metropolitan Transportation Authority will move this court at a date and time to be determined by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint in its entirety on the grounds that the Complaint fails to state a claim upon which relief may be granted; or, in the alternative, for an order pursuant to Rule 56(c) of the Federal Rules of Civil Procedure granting summary judgment in favor of defendant; and for such

other and further relief as this Court may deem just, proper and equitable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda shall be served within 10 business days after service of the moving papers.

Dated: October 22, 2007
New York, New York

HOGUET NEWMAN REGAL & KENNEY, LLP
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By: 
IRA J. LIPTON (IL 4835)

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